

SENATE BILL 12

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 33 and Title 8, Chapter 34, relative to military service.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-33-109, is amended by deleting in the first sentence the language "without loss of time, pay," and by substituting instead the language "without loss of time, pay, or any impairment affecting their highest five (5) years' salary for purposes of determining retirement pay,".

SECTION 2. Tennessee Code Annotated, Section 8-33-109, is further amended by adding the following language to the end thereto:

After the twenty (20) working days of full compensation, members of any reserve component of the armed forces of the United States, including members of the Tennessee army and air national guard, may use sick leave in lieu of annual leave for the purposes of not having to take leave without pay.

SECTION 3. Tennessee Code Annotated, Section 8-34-605(a), is amended by adding a new subdivision thereto, as follows:

(5) A member may claim retirement credit for active duty military service by proof of a DD214 form or other official documents certifying the date of entry and date of release from active duty, as evidenced by the following:

(A) A copy of orders to duty along with a Leave and Earnings Statement (LES) showing the member was paid for duty on the dates being claimed; or

(B) A competent memorandum from the member's command along with a Leave and Earnings Statement (LES) showing the member was paid for duty on the dates being claimed.

The provisions of this subdivision (5) shall apply to any member on duty orders, including annual training (AT), active duty for training (ADT), active duty special work (ADSW), individual duty training (IDT), or any other duty orders.

SECTION 4. This act shall take effect July 1, 2009, the public welfare requiring it.